

REMARKS

Claims 1 – 4, 7, 9 – 15, 18, 20, and 21 are pending. Claims 1 – 4, 7, 9 – 15, 18, 20, and 21 presently stand rejected. Claims 1, 7, 9, 12, 18 and 20 have been amended. Claims 10, 11, and 21 have been cancelled. Examination and reconsideration of the claims in view of the following remarks are respectfully requested.

35 U.S.C. §112 Rejection

Claims 1 and 12 presently stand rejected under 35 U.S.C. §112, first paragraph, “as failing to comply with the written description requirement.” See page 3 of the Action. Specifically, the Action takes the position that the term “variable probability” is not described in the specification.

Claims 1 and 12 have been amended to delete the word “variable.”

It is respectfully submitted that claims 1 and 12, as now amended, satisfy the requirements of 35 U.S.C. §112, first paragraph.

Withdrawal of the rejection is respectfully submitted.

35 U.S.C. §102 Rejection

Claims 1 – 4, 7, 9 – 15, 18, 20 and 21 presently stand rejected under 35 U.S.C. § 102(a) and 102(e) as anticipated by U.S. Patent Application No. 2007/0107066 (“Seelig”).

Claims 10, 11, and 21 have been cancelled. The rejection to these claims is thus deemed moot.

In responding to Applicant’s response dated August 1, 2011, the Examiner states:

the outcome; that is the prize is determined based on the multiplier gained and the bonus previously awarded, and the probability of success is bound by the amount of monies wagered against the total prize monies and the number of possible chances for the outcome.

See page 2 of the Action.

Applicants respectfully disagree.

For example, the claimed prize determination is not based on the bonus previously awarded. That is, the prize determination is not based on the credit in prize meter 62. Rather, the prize determination is based on the paytable 64.

Further, the probability of the success is not bound by the amount of monies wagered against the total prize monies and the number of possible chances for the outcome. Rather, 1) the monies wagered are in the Bet meter 58, and has no expressed bearing on the probability as set out in the claims. The probability is based on a forfeiture amount, i.e. a portion of the credits in prize meter 62 and the amount of the prize as determined based on pay table 64. 2) The total prize monies are not a factor in the probability. 3) The number of possible chances for the outcome, e.g. 1 in 5, is not a factor in calculating the probability.

Independent claims 1 and 12, as now amended, are directed to a gaming machine having a bonus feature wherein a first outcome is guaranteed to be a successful outcome. The successful outcome provides a total amount of prize credits. The gaming machine then offers a player a choice to select between (a) continuing with bonus feature where there is a risk of losing a portion of the total amount of prize credits that have been won, or (b) ending the bonus feature which results in paying the won prize credits. If the player selects to continue the bonus feature, the gaming machine (1) determines a subsequent prize for a successful subsequent outcome, (2) determines an amount of the won credits that is to be risked in selecting to continue the bonus feature, and (3) calculates a probability of the successful subsequent outcome occurring. The probability is calculated based on two factors: (1) the subsequent prize for a successful subsequent outcome, and (2) an amount of the won prize credits to be risked in selecting to continue the bonus feature. The gaming machine uses the probability to generate a subsequent outcome.

Applicants respectfully submit that Seelig does not disclose a gaming machine that plays a first bonus game which guarantees a win of credits. Nor does Seelig disclose generating a subsequent outcome using a probability that is calculated based on two factors: (1) a subsequent prize for a successful subsequent outcome in a second bonus game, and (2) an amount of credits to be risked in selecting to continue the bonus feature.

Rather, Seelig's outcome of a bonus game is determined based on 1) a bonus awarded in entering a feature (step 168) (without playing a guaranteed win game), and 2) a multiplier (step 176). That is, Seelig does not guarantee winning a first bonus game that awards an amount of credits. There is no teaching in Seelig as to the use of an amount of the credits of a guaranteed win as a part of a forfeiture of a subsequent loss. In fact, the multiplier as disclosed in steps 176 and 184 can be zero. In the case of a zero multiplier, a consolation prize is awarded. However, the consolation prize can no longer be wagered in the same bonus game.

Therefore, claims 1 and 12 are not anticipated by Seelig.

Claims 2 – 4, 7, 9, and claims 13 – 15, 18, and 20 are dependent from claims 1 and 12, respectively, and therefore are not anticipated for at least the same reasons set forth above with respect to claims 1 and 12.

Conclusion

Applicants respectfully submit that claims 1 – 4, 7, 9 – 15, 18, 20, and 21 are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicant's Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation.

Respectfully submitted,

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